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21 **UNITED STATES DISTRICT COURT**
22 **DISTRICT OF NEVADA**

23 U.S. EQUAL EMPLOYMENT
24 OPPORTUNITY COMMISSION,

25 Plaintiff,

26 vs.

27 MATTRESS FIRM, INC., and Does 1-
28 10 inclusive;

Defendant.

Case No.: 2:13-CV- 01754-GMN-VCF

**JOINT STIPULATION AND
ORDER REGARDING
DISPOSITIVE MOTION BRIEFING
SCHEDULE**

Motion Cut-Off: Nov. 30, 2015

Expedited Ruling Requested

1 TO THE HONORABLE GLORIA M. NAVARRO:

2
3 Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) and
4 Defendant Mattress Firm, Inc. (collectively, “the Parties”) hereby jointly stipulate
5 and respectfully request the Court to enter the following briefing schedule
6 regarding dispositive motions. The current scheduling order dated June 15, 2015
7 (ECF No. 74) contains a Dispositive Motion Deadline of November 30, 2015.
8 Both Parties intend to file respective dispositive motions in this class action case
9 under the Age Discrimination in Employment Act (the “ADEA”).

10 In light of both Parties’ intent to file dispositive motions, the fact-intensive
11 nature of this case, and the upcoming holidays, the Parties have agreed to the
12 following dispositive motion briefing schedule. The Parties shall file their
13 respective dispositive motions no earlier than November 30, 2015. Opposition
14 papers to the dispositive motions shall be due on January 15, 2016. Replies shall
15 be due on February 5, 2016.

16 Good cause exists to grant this stipulated joint request. First, this is a class
17 action brought by the EEOC under the Age Discrimination in Employment Act
18 (“ADEA”) and involves at least nine Claimants (EEOC Charging Parties John
19 Gillespie, Robert Schnair, Jackie Donahue, Willie James, Hooshang Seisan, Frank
20 MacLean, and Class Members Kathy Thanos, Stuart Katz, and Faron Hansen).
21 Due to the fact intensive nature of this class case, this Court granted Mattress
22 Firm’s request to extend the page limits for its dispositive motion to forty-five (45)
23 pages (ECF No. 57). Consequently, the Court also granted the EEOC’s request to
24 extend the page limits for its opposition brief to forty-five (45) pages. (ECF No.
25 77).

26 Second, additional time may be necessary because certain documents will be
27 required to be filed under court seal due to a protective order that was issued on
28 December 22, 2014. (ECF No. 50). Third, the Parties have been diligent in

conducting written discovery by exchanging thousands of documents and electronically stored information, and taking numerous oral depositions. The Parties recently exchanged Rule 26 expert disclosures and took the deposition of each party's testifying expert during the last week of October 2015. Fourth, this stipulated briefing schedule will not affect any other court deadlines. Because dispositive motions will be filed, the joint pre-trial order will be due 30 days from the entry of the court's ruling on the dispositive motions. (ECF No. 74). For the foregoing reasons, good cause exists for the Court to grant the Parties' joint stipulation for the briefing schedule above.

IT IS SO STIPULATED:

Dated: November 5, 2015

S/Shauga Johnson Clark

Shauna Johnson Clark

Norton Rose Fulbright US, L.L.P.

Attorney for Defendant Mattress Firm, Inc.

Dated: November 5, 2015

S/Connie K. Liem

Connie K. Liem

Senior Trial Attorney

Attorney for Plaintiff EEOC

All other dates set in this court's June 15, 2015 Order (#74) have expired. Not further discovery is permitted in this case without leave of court.

IT IS SO ORDERED:



Cam Ferenbach

United States Magistrate Judge

DATED: November 9, 2015

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15 OPPORTUNITY COMMISSION

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 U.S. EQUAL EMPLOYMENT
19 OPPORTUNITY COMMISSION,

20 Plaintiff,

21 vs.
22

23 MATTRESS FIRM, Inc.; and Does 1 – 10
24 Inclusive,

25 Defendants.
26
27
28

Case No.: 2:13-cv-01745-GMN-VCF

CERTIFICATE OF ECF SERVICE

1 I am, and was at the time the herein mentioned mailing took place, a citizen
2 of the United States, over the age of eighteen (18) years and not a party to the
3 above-entitled cause.

4 I am employed in the Legal Unit of the Los Angeles District Office of the
5 United States Equal Employment Opportunity Commission. My business address
6 is Equal Employment Opportunity Commission, San Diego Local Office, 555 W.
7 Beech St., Suite 504, San Diego, CA 92101. On the date that this declaration was
8 executed, as shown below, I served the foregoing **JOINT STIPULATION AND**
9 **ORDER REGARDING DISPOSITIVE MOTION BRIEFING SCHEDULE**
10 via the Case Management/Electronic Case Filing (CM/ECF) system to:

11
12 Shauna Johnson Clark
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17 Paul Swen Prior
18 Karl O. Riley
19 Snell & Wilmer L.L.P.
20 sprior@swlaw.com
21 kriley@swlaw.com

22 I declare under penalty of perjury that the foregoing is true and correct.
23 Executed on November 5, 2015 at San Diego, CA.

24 S/ Connie K. Liem
25 Connie K. Liem
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